

**STATUS OF CLAIMS AND SUPPORT FOR AMENDMENTS TO CLAIMS**

Upon entry of this reply, claims 1-40, 42 and 43 will remain pending.

Thus, claims 1-40, 42 and 43 are pending with claims 41 and 44 being canceled without prejudice or disclaimer of the subject matter recited therein.

Of these pending claims, claims 1-29 are original patent claims, and claims 30-40, 42 and 43 have been added in the instant reissue.

In the present amendment, the claims have been amended in the manner indicated to be allowable in the Final Office Action mailed December 15, 2005, at pages 9 and 10. Thus, claims 30, 40, 42 and 43 have been amended as suggest by the Examiner.

Accordingly, entry of this amendment after final rejection is appropriate, because it places the application into condition for allowance.

**REMARKS/ARGUMENTS**

As noted above, upon entry of this reply, claims 1-40, 42 and 43 will remain pending.

Claims 1-29 are original patent claims.

Claims 30-40, 42 and 43 have been added in the present reissue application.

Claims 41 and 44 are canceled, and claims 30, 40, 42 and 43 are amended herein as suggested by the Examiner.

Reconsideration and allowance of the application are respectfully requested.

**Discussion Of Telephone Conversations**

Applicants express appreciation for the courtesies extended by Examiners Leung and Krynski during June 9, 2006 telephone conversations. During these telephone conversations, Applicants' representative Arnold Turk inquired about the time period for submission of a Supplemental Reissue Declaration. Examiner Krynski indicated that he will check whether a new Final Office Action will be mailed with the previous finality being withdrawn, or whether the Supplemental Reissue Declaration will be due based upon the present Final Office Action. In this regard, Applicants' representative submitted that upon placing the application into condition for allowance, there is no outstanding objection or rejection and a new action should afford Applicants an opportunity to address the issues raised therein.

**Confirmation Of Patentability Of Patent Claims**

Applicants once again express appreciation for the confirmation of patentability of claims 1-29 of the '479 patent.

**Response to New Matter Objection And Rejection**

Applicants once again submit that the objection of the Amendment filed July 15, 2005 under 35 U.S.C. 132 and the rejection of claims 30-44 under 35 U.S.C. 112, first paragraph, is without appropriate basis. However, to advance prosecution of the application, and without expressing any agreement or acquiescence with the

objection/rejection, Applicants have amended the claims in the manner suggested by the Examiner to place the application into condition for allowance. Accordingly, the objection/rejection should be withdrawn, and allowance of the application is respectfully requested.

Applicants further note that the Advisory Action mailed April 27, 2006 references Application No. 10/387,570, filed March 14, 2003 (published as US 2004/0068933) and indicates that it includes overlapping inventors. The Advisory Action points to Figs. 11-19 and indicates that the disclosure relating to these figures appears to further call into question whether Applicants were in possession of the newly claimed subject matter at the time the invention was made. In response, Applicants note that the issue is not the later disclosure of certain subject matter, but whether one having ordinary skill in the art would recognize that Applicants were in possession of the subject matter at the time of their invention. Applicants submit that for all of the reasons set forth in the previous responses, Applicants were in possession of the claimed subject matter prior to the instant amendment.

### **Supplemental Declaration**

In accordance with current Patent and Trademark Office procedure, a Supplemental Declaration will be submitted upon indication of allowance of the application.


**CONCLUSION**

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objection and rejection of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this Response or this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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